

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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FINANCIAL FEDERAL CREDIT INC.,

Plaintiff,

ORDER
09-cv-2904 (ADS) (AKT)

-against-

EAST-WEST AGGREGATE INC. and
LIBERATORE IABONI,

Defendants.

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APPEARANCES:

Platzer, Swergold, Karlin, Levine, Goldberg & Jaslow, LLP

Attorneys for the plaintiffs

1065 Avenue of the Americas

18th Floor

New York, NY 10018

By: Andrew Steven Muller, Esq., Of Counsel

Robert T. Bonsignore, Esq.

In-house counsel for Financial Federal Credit Incorporated

733 Third Avenue

24th Floor

New York, NY 10017

NO APPEARANCE

East-West Aggregate Inc.

Liberatore Iaboni

SPATT, District Judge.

The petitioners, Financial Federal Credit, Inc., commenced this action on or about July 8, 2009, seeking to collect on unpaid debts owed to them by the defendants.

On February 18, 2010, the Court entered a default judgment against the defendants East-West Aggregate Inc. and Liberatore Iaboni and referred the matter to United States Magistrate Judge A. Kathleen Tomlinson for an inquest as to damages, appropriate injunctive relief, appropriate attorney's fees, and costs. On April 15, 2011, Judge Tomlinson issued a thorough Report recommending that the plaintiff be awarded damages in the amount of:

- \$103,282.94 in unpaid principal;
- \$36,992.16 in unpaid interest through April 1, 2011, with additional interest accruing at a daily rate of \$32.99 until judgment is entered;
- \$2,670.40 in late charges; and
- \$5,474.00 in prepayment premium.

To date, no objection has been filed to Judge Tomlinson's Report and Recommendation.

In reviewing a report and recommendation, a court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). "To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record." Wilds v. United Parcel Serv., 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003) (citing Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)). The Court has reviewed Judge Tomlinson's

Report and finds it be persuasive and without any legal or factual errors. There being no objection to Judge Tomlinson's Report, the Court adopts the Report.

For the foregoing reasons, it is hereby:

ORDERED that Judge Tomlinson's Report and Recommendation is adopted in its entirety; and it is further

ORDERED that the Clerk of the Court is directed to enter a default judgment against the defendants in the amount of \$148,419.50 in damages, plus \$32.99 for each day after April 1, 2011 until judgment is entered; and it is further

ORDERED that the Clerk of the Court is respectfully directed to close this case.

SO ORDERED.

Dated: Central Islip, New York
September 6, 2011

/s/ Arthur D. Spatt
ARTHUR D. SPATT
United States District Judge